



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,711	02/05/2004	Richard M. Davies	7921.1	5624
21176 7590 12/02/2008 SUMMA, ADDITON & ASHE, P.A. 11610 NORTH COMMUNITY HOUSE ROAD SUITE 200 CHARLOTTE, NC 28277				
EXAMINER				
DANNEMAN, PAUL				
ART UNIT		PAPER NUMBER		
3627				
MAIL DATE		DELIVERY MODE		
12/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/772,711

**Applicant(s)**

DAVIES, RICHARD M.

**Examiner**

PAUL DANNEMAN

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group II (Claims 30-54) in the reply filed on 6 August 2008 is acknowledged.

**Status of the Claims**

2. This action is in response to the application filed on 6 August 2008.
3. Claims 1-29 have been withdrawn from consideration.
4. Claims 30-54 are pending in this application and have been examined.

***Drawings***

5. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because drawings contain hand drawn annotations. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claims 30-32, 34-44 and 47-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wren, US 6,055,514 and further in view of Heusinkveld, US 2004/0218089 A1.

**Claims 30 and 41:**

With regard to the limitation:

- ***A retail facility for providing services on moveable serviceable items at an alternate location;***
- ***Imaging facilities at service facility for periodic imaging of the movable serviceable items on a near real-time basis;***
- ***Transmitting the images from remote service facility to a display;***
- ***Displays at retail facility for displaying images from remote service facility.***

Wren in at least Column 1, lines 23-32, Column 4, lines 43-67, Column 11, lines 31-45 and Fig.1 discloses a system for marketing goods and services. The system includes a customer computerized communications facility, for facilitating transactions between a central facility and remote facilities. Wren in at least Column 12, lines 4-13 further discloses an array of electronic communication devices and computing equipment with displays for communicating between the central facility and the remote facilities. Wren further discloses that the communication devices are comprised of components for conveying sounds and images on a near real-time basis.

**Claims 31-32 and 42-44:**

With regard to the limitation:

- ***Retail facility in inside an enclosed shopping mall.***
- ***Remote service facility is physically removed from retail facility.***

Wren does not specifically disclose an enclosed shopping mall; however Wren in at least Column 13, lines 56-59 discloses a public location such as a mall with customer terminals. Wren in at least Column 1, lines 23-32, Column 4, lines 43-67, Column 11, lines 31-45 and Fig.1 discloses a system for marketing goods and services. The system includes a customer computerized communications facility, for facilitating transaction between a central facility and remote facilities. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to place the retail facility in a location that is convenient to customers such as an enclosed shopping mall with the motivation of providing customers with a convenient location while placing the remote service facility within close proximity to the retail facility (in a mall parking area, a parking deck or a mix of these locations) with the motivation to minimize the cost of the remote service facility while maintaining a high level of customer accessibility to the remote service facility.

**Claim 34-36 and 47-49:**

With regard to the limitation:

- ***Generating a signal notifying a customer that services have been performed.***
- ***A means for transmitting the periodic images from the remote service center to a display at the retail facility for display on a customer display.***

Wren does not specifically disclose notifying a customer when services have been performed. However, Wren in at least Column 1, lines 25-32 discloses that the electronic communications devices and computing equipment are used for transmitting between the central and remote facility, voice, music, audio, data, images, video, and optic information on goods and services, and/or signals. Therefore, it would have been obvious, at the time of the invention, to one of

ordinary skill to modify Wren's signals to include a signal notifying a customer that services have been performed, with the motivation of keeping the customer informed and initiating the payment for services rendered process.

**Claims 37-40 and 50-54:**

With regard to the limitations:

- ***Customer display is selected from the group consisting of a personal digital assistant, personal computer, or a cellular phone.***

Wren in at least Fig.1 and Column 12, lines 4-13 discloses that the customer display is a personal computer with monitor and in Column 12, lines 56-60 further discloses that the respective electronics communication equipment at the respective facilities are conventional off-the-shelf items.

- ***Transmitting the images upon electronic demand from a customer.***

Wren in at least Column 13, lines 1-8 discloses sizing the communications network to meet customer demand for information. Wren in at least Column 13, lines 13-31 and lines 32-49 further discloses a customer request for information and data, audio, and/or visual information being sent to the customer.

- ***Transmitting the images upon initiation from said retail facility.***

Wren in at least Column 13, lines 50-59 discloses a customer receiving information from a remote or central facility.

- ***Associating the images from said remote service facility with a designated customer and limited to the customer's serviceable item.***

Wren in at least Column 15, lines 49-60 discloses a customer using a credit card or other ID to gain access to the terminal. Heusinkveld in at least FIG.2 and paragraph [0014] discloses a monitor station at an auto shop, where a mechanic may initiate communications with a remote user by calling the user's telephone to discuss a repair situation. The mechanic preferably could give the remote user a uniform resource location (URL) address for accessing the images

captured by the camera. Also disclosed is the optional use of a password by the customer. Heusinkveld in at least paragraph [0020] discloses the use of personal data assistant (PDA) and other types of monitors. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine the old and well know features of Wren for controlling access to a customer terminal with Heusinkveld's use of various portable devices for providing a link with the customer, to insure that only valid customers can view and exchange data with the motivation of providing a secure and portable communications system.

9. **Claim 33 and 45-46** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wren, US 6,055,514 and further in view of Osterman, US 4,188,985.

**Claim 33, 45 and 46:**

Claims 30 and 41 are rejected as shown above using Wren. With regard to the limitation:

- ***Wherein the remote service facility is underground (partially or fully).***

Wren does not specifically disclose that the remote service facility is underground per se. However, Osterman in at least Fig.1 and Column 1, lines 24-37 discloses a motor vehicle service structure having upper and lower work surfaces surrounded by walls. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to combine the well known elements of Wren's regarding central and remote facilities, with the well known elements of Osterman's remote service facility which is partially or fully underground, with the motivation of providing customers with a location or customer lounge located remotely from the noise and smell of the service facility.

**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

25 November 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627